

ESTTA Tracking number: **ESTTA289228**

Filing date: **06/11/2009**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91189787
Party	Plaintiff Oliva Cigar Co.
Correspondence Address	Leslie J. Lott Lott & Friedland, P.A. P.O. Drawer 141098 Coral Gables, FL 33114-1098 UNITED STATES ljlott@lfiplaw.com, chammond@lfiplaw.com, kriviera@lfiplaw.com, jzambrano@lfiplaw.com
Submission	Motion for Default Judgment
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Signature	/Carly Hammond/
Date	06/11/2009
Attachments	MOT for Default Judgment - NUBBER - AS FILED - 06.11.09.pdf (2 pages) (13653 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Opposition No. 91/189,787

OLIVA CIGAR CO.,

Opposer,

v.

In the Matter of Application
Serial No. 77/479,800
Published in the Official Gazette
Date: October 21, 2008
Mark: **NUBBER**

CIGARMONY LLC,

Applicant.

MOTION FOR DEFAULT JUDGMENT

Pursuant to 37 CFR § 2.114(a) and Fed.R.Civ.P. 55(b), Opposer, Oliva Cigar Co. (“Opposer”), hereby requests the entry of Default Judgment against Applicant, Cigarmony LLC (“Applicant”). In support of this request, Opposer states as follows:

1. Opposer filed papers initiating this Opposition proceeding on April 17, 2009.
2. Opposer served a copy of the Notice of Opposition upon Applicant and upon counsel for Applicant by overnight delivery on April 17, 2009.
3. In addition, the Trademark Trial and Appeal Board (the “Board”) notified Applicant of this proceeding by U.S. mail on April 17, 2009.
4. Applicant’s Answer was due to be filed forty (40) days from the date of mailing of the notice from the Board, namely, by May 27, 2009.
5. As Applicant has not filed an Appearance or an Answer to the Notice of Opposition, Applicant has not requested or been granted an extension, and no good cause for not answering exists, Applicant is in default.

WHEREFORE, as Applicant is in default, and as Applicant has failed to show good cause why Default Judgment should not be entered against it, Opposer requests the entry of Default Judgment against Applicant.

Date: June 11, 2009

Respectfully submitted,

LOTT & FRIEDLAND, P.A.

/s/ Carly A. Hammond
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Attorneys for Opposer
Oliva Cigar Co.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing **MOTION FOR DEFAULT JUDGMENT** was served upon the Applicant by delivering a true and correct copy of same to Applicant and to counsel for Applicant via U.S. mail on June 11, 2009 as follows:

Mark D. Neff
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/s/ Carly A. Hammond
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